



Preventing violence

A law to protect doctors is good, and a health-care upgrade is essential

All it took West Bengal Chief Minister Mamata Banerjee to end the week-long strike by junior doctors in the State was a meeting with the agitating medicos and a credible assurance that their safety was a priority for her government. The attack on a junior doctor on June 10 over the death of a patient had sparked the agitation, which spread to other parts of the country when it appeared that the State government was reluctant to negotiate with the striking doctors. Now that Ms. Banerjee has reached out to young doctors and conceded that their demands are genuine, the government, in West Bengal and elsewhere, must focus on addressing the deficiencies afflicting the health-care system as a whole. Reprisal attacks on doctors by agitated relatives of patients who die during treatment are known to happen. Such violence is invariably the result of systemic problems that adversely affect optimal attention to patients, such as infrastructural and manpower constraints. It is apparent that doctors work in stressful environments, sometimes under political pressure with regard to admissions. Several States have enacted laws to protect doctors and other health-care personnel from violence. Last week, Union Health Minister Harsh Vardhan wrote to State governments highlighting the need for stringent action against anyone who assaults doctors. He asked States that do not have a law to protect doctors against violence to enact one, and circulated a 2017 draft of a law that envisaged imprisonment besides recovery of compensation from perpetrators for loss or damage to property.

However, is such a law really effective? Ironically, West Bengal, the epicentre of a strike that involved nearly the entire medical fraternity across the country, has such a law too. Like the law in most other States, the West Bengal Act provides for a three-year prison term and a fine, which could go up to ₹50,000, to anyone indulging in violence against any "medicare service person", which covers doctors, nurses, medical and nursing students and paramedical staff. The offence is cognisable and non-bailable. It also provides for recovery of compensation for loss. Many other States have similar laws, with the one in Tamil Nadu providing for a prison term that could go up to 10 years. It is clear that having this law did not prevent the incident that sparked the latest agitation. There are no figures available on how many times the medical service person protection law has been invoked. In any case, causing simple or grievous injuries to anyone is a criminal offence under the Indian Penal Code. Treating the issue as a law and order problem is just one way. The real solution may lie in improving health infrastructure, counselling patients about possible adverse treatment outcomes, and providing basic security in medical institutions.

Organisation men

J.P. Nadda's elevation as BJP working president reveals the party's long-term goals

The appointment of J.P. Nadda as the Bharatiya Janata Party's working president is proof yet again that it does not leave anything to chance in the relentless pursuit of its politics. Union Home Minister Amit Shah will continue as party president until his term ends in December 2019, when Mr. Nadda is expected to succeed him. Mr. Shah has been Prime Minister Narendra Modi's close confidant and strategist for several years, and an architect of the party's Lok Sabha victories in 2014 and 2019. The decision to appoint a working president, as Mr. Shah would not be always available for party work, is a sign of the importance the BJP and its ideological mother ship, the RSS, attach to organisation. Except for the communist units, this is in contrast with the general nature of all other parties, which give limited attention to organisation-building. The RSS had meticulously assigned distinct roles to the multiple outfits that it floated over the decades, all converging into the larger stream of Hindutva politics. The BJP's emergence as the primary pole of Indian politics through sweeping victories in two consecutive general elections could strain the organisational edifice of the Sangh Parivar, but not immediately. The orderly, clinical manner in which Mr. Nadda was selected, with the concurrence and prompting of the RSS, demonstrates the Parivar's ability to be clear-eyed in its priorities.

Hindutva politics does not see power as an end in itself but as a tool to advance its ideological goals. Also, individual ambitions are expected to be subordinate to organisational priorities. The rise of Mr. Modi with Mr. Shah alongside, and their combined role in the party's outstanding electoral performances in recent years, have inspired commentaries that put them on a pedestal. Mr. Modi and Mr. Shah will remain in command of the overall scheme of things, and Mr. Nadda, by all accounts, is a proven loyalist to both of them. At the same time, by promoting a new power centre the BJP is also demonstrating that individuals are not indispensable despite the commanding authority and presence of the two big leaders. Mr. Nadda is not as combative as Mr. Shah but is as disciplined, a trait that he imbibed through his long association with the RSS. His elevation is also a continuation of the BJP's efforts to promote leaders who have spent more time in the States than in Delhi - Himachal Pradesh in Mr. Nadda's case. The selection of Thawar Chand Gehlot as the BJP's leader in the Rajya Sabha is also remarkable in this context. A Dalit who came up from a small town through the trade union wing of the RSS, he is an outlier in the Upper House's general character, which is metropolitan, upper class and usually upper caste. Mr. Shah recently stated that the BJP has not yet peaked. The organisational changes are evidently being made in that belief.

An idea whose time may not have come

But the debate on simultaneous elections is useful — it could throw up other reforms to cleanse the electoral process



S.Y. QURAISHI

Not even a month after the world's largest elections in history were over, the debate around "one nation, one election" has been resurrected. Prime Minister Narendra Modi, who had continued to flag the issue for the last five years, has now called for a meeting on the subject with leaders of other political parties.

The 2014 manifesto of the ruling Bharatiya Janata Party (BJP) read: "The BJP will seek, through consultation with other parties, to evolve a method of holding Assembly and Lok Sabha elections simultaneously. Apart from reducing election expenses for both political parties and Government, this will ensure certain stability for State Governments."

Constant campaigners

In an interview with a news channel in January 2018, the Prime Minister had rightly highlighted the demerits of the country being in constant election mode. "One election finishes, the second starts," he said. He argued that having simultaneous Parliament, Assembly, civic and Panchayat polls once every five years and completed within a month or so would save money, resources and manpower. This, he pointed out, happened on account of a large section of the security forces, bureaucracy and political machinery having to be mobilised for up to 200 days a year on account of electioneering.

The BJP's 2019 manifesto also mentions that simultaneous elec-



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tions for Parliament, State Assemblies and local bodies to "ensure efficient utilisation of government resources and security forces and... effective policy planning". It goes on to say that the party "will try to build consensus on this issue with all parties". It is in this spirit of reform and consensus building that the Prime Minister has revived this debate, calling an all-party meeting for discussions on June 19.

The re-elected Chief Minister of Odisha, Naveen Patnaik, has already welcomed the idea, saying, on June 15, that frequent elections affect the development climate, and hence it is better to have simultaneous elections in the country.

The Law Commission had recommended simultaneous elections to Lok Sabha, Vidhan Sabha and the local bodies as far back as in 1999. The BJP's L.K. Advani also supported the idea back in 2010 in an eloquent blog post. The matter was examined by a Parliamentary Standing Committee in December 2015, and was also referred to the Election Commission of India (EC). Both supported it in principle.

Genuine concerns

The concerns raised are indeed genuine, and the idea is worth debating. First, it is becoming more and

more difficult to contest elections. The 2019 general election was the most expensive on record; a whopping ₹60,000 crore was reportedly spent on the whole exercise. Given that there is no cap on the expenditure incurred by political parties, they spend obscene amounts of money in every election. It is argued that simultaneous elections would help reduce this cost.

Second, frequent elections hamper the normal functioning of the government and disrupt civic life. This happens because the Model Code of Conduct (MCC) comes into operation as soon as the EC announces the election dates. This means that the government cannot announce any new schemes during this period. This results in what is often referred to as a policy paralysis. The government cannot make any new appointments or transfer/appoint officials. The entire government manpower is involved in the conduct of elections.

I would also like to add that elections are the time when communalism, casteism and corruption are at their peak. Frequent elections mean that there is no respite from these evils at all. This has directly resulted in the souring of the political discourse, something that was on full display during the 2019 general election.

Building confidence, BIT by BIT

Indian bilateral investment treaties need to strike a balance between foreign investor interests and those of the state



PRABHASH RANJAN

As Minister of Finance and Corporate Affairs Nirmala Sitharaman gets ready to present the first budget of the 17th Lok Sabha, she faces enormous challenges. The GDP growth rate is at a five-year low, domestic consumption is sinking, the business confidence index has plunged, and India has recorded its highest unemployment rate in the last 45 years. To add to this list of woes is a claim made by Arvind Subramanian, India's former Chief Economic Adviser, that India's GDP has been overestimated. Foreign direct investment (FDI) equity inflows to India in 2018-19 contracted by 1%, according to the government's own data. After an increase of 22% and 35% in 2014-15 and 2015-16, respectively, FDI equity inflows began tapering off since 2016-17 with the growth rate falling to 9% and then to 3% in 2017-18.

Lost opportunity

This contraction in FDI inflows comes at a time when global supply chains are shifting base as a re-

sult of the ongoing trade war between the U.S. and China. India has failed to attract firms exiting China. Many of these supply chains have relocated to Vietnam, Taiwan, Malaysia and Indonesia. India is clearly not the natural/first option for these firms for a host of reasons, such as poor infrastructure, rigid land and labour laws, a deepening crisis in the banking sector and a lack of structural economic reforms.

The decline in the FDI growth rate, despite the well-advertised improvement in India's ease of doing business rankings, interestingly, has coincided with India's decision, in 2016, to unilaterally terminate bilateral investment treaties (BITs) with more than 60 countries; this is around 50% of the total unilateral termination of BITs globally from 2010 to 2018. Unilateral termination of BITs on such a mass scale projects India as a country that does not respect international law. India also adopted a new inward-looking Model BIT in 2016 that prioritises state interests over protection to foreign investment.

In the absence of empirical evidence, one cannot conclude that termination of BITs and adoption of a state-friendly Model BIT adversely impacted FDI inflows. Nonetheless, since studies have shown that BITs positively impact-



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ed foreign investment inflows to India, an examination of the link between the two should be a high priority for the Ministry of Finance and Corporate Affairs - the nodal body dealing with BITs.

The decision to terminate BITs and adopt a state-friendly Model BIT was a reaction to India being sued by several foreign investors before international arbitration tribunals. The government concluded that these claims were an outcome of India's badly designed BITs, signed in the 1990s and 2000s that were based on a laissez faire template.

Bad regulation

True, India's BITs gave extensive protection to foreign investment with scant regard for state's interests - a characteristically neoliberal model. This design flaw could have been corrected by India negotiating new balanced treaties and then replacing the existing ones with the new ones instead of terminating them unilaterally, which has created a vacuum. Im-

portantly, the design flaw was not the real reason for the increasing number of BIT claims. A large number arose either because the judiciary could not get its act together (an example being inordinate delays in deciding on the enforceability of arbitration awards) or because it ruled in certain cases without examining India's BIT obligations such as en masse cancellation of the second generation telecom licences in 2012. Likewise, the executive - the Manmohan Singh government - got the income tax laws retrospectively amended in 2012 to overrule the Supreme Court's judgment in favour of Vodafone and cancelled Devas Multimedia's spectrum licences in 2011 without following due process, thus adversely impacting Mauritian and German investors.

These cases are examples of bad state regulation. They also reveal an absence of full knowledge of India's obligations under BITs by different state entities. Thus, the Ministry of Finance and Corporate Affairs should invest extensively in developing state capacity so that the Indian state starts internalising BITs and is not caught on the wrong foot before an international tribunal.

In correcting the pro-investor imbalance in India's BITs, India went to the other extreme and

created a pro-state imbalance as evident in the Model BIT.

For a four point plan Correcting this imbalance should be high on the reform agenda of the government. 'Progressive capitalism' (channeling the power of the market to serve society, as explained by Nobel laureate Joseph Stiglitz) provides the right template. Indian BITs should strike a balance between interests of foreign investors and those of the state. A certain degree of arrogance and misplaced self-belief that foreign investors would flock to India despite shocks and surprises in the regulatory environment should be put to rest. Clarity, continuity and transparency in domestic regulations and a commitment to a balanced BIT framework would help India project itself as a nation committed to the rule of law, both domestically and internationally, and thus shore up investor confidence. As the 2019 World Investment Report confirms, since India is fast becoming a leading outward investor, balanced BITs would also help in protecting Indian investment abroad.

Prabhakar Ranjan teaches at South Asian University and is the author of 'India and Bilateral Investment Treaties: Refusal, Acceptance, Backlash'

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Bihar deaths

If proved to be true, the dereliction of health-care duties in Bihar is unpardonable as it has resulted in over 90 precious lives being lost (Editorial, "The litchi link?", June 18). In India, life is cheap and the underprivileged are almost like the cat with nine lives. It is shocking that simple treatment is not delivered. Even more appalling are the flimsy excuses being used in defence such as the heat wave. Such lapses harm the credibility of the medical fraternity and the outcome is ugly episodes of the West Bengal hospital-type.

DEEPAK SINGHAL
Noida, Uttar Pradesh

Undernourishment is a major problem in India, with alarming data on underweight, stunted and wasted children in Bihar. The POSHAN Abhiyaan, which "is a multi-ministerial

convergence mission with the vision to ensure attainment of malnutrition-free India by 2022", must reach every corner of India. On the lines of the Right to Education, a 'right to nutritious food' should also be implemented for children below five.

It is unfortunate that announcements made in 2014 about improving the infrastructure in health facilities have still not been met. There are large gaps in the infrastructure. The doctor-patient ratio is way below what is required. It is the same situation for paramedical staff. Technical facilities too are below par, a reflection of the apathy towards the poor in a region known for health-care issues. A long-term strategy must also include special investigative procedures (including autopsies) to reach

the causes of such events quickly. The government needs to increase public spending on health.

Dr. ARUN MITRA,
Ludhiana, Punjab

GM farming

We should not forget that farmers' fields are not botanical gardens (Editorial page, "Serious concerns about Bt brinjal", June 18). Farmers do practise artificial ways and means to grow crops. Brinjal has the one of the most diverse germplasms in the plant world, so fears about its gene erosion appear to be misplaced. As far as nutrition issues are concerned, it may be incorrect to say that GM crops will have low nutrition. The WHO itself is taking an active role in exploiting biotechnology. One should also not forget that there are proper guidelines that have been set by the Codex Alimentarius guidelines on safety assessment of GM

foods. We should at least consider the success of the U.S. where 93% of soybean and maize that is used is GM.

ARJUN SHARMA,
Bathinda, Punjab

Chennai's water woes

The water problem in Chennai began around the late 1950s with the installation of public taps, often below ground level. Then came the hand pump followed by small borewells. Fortunately the groundwater level was by and large satisfactory. Trouble began to brew when the population crossed the five-lakh mark. The 'water history' of Chennai for the past 50 years can be characterised by good rains, floods and a few droughts in between. But the response to the drought this year is a reflection of apathy, inaction, lack of imagination and a total lack of planning. Of course, water tanker owners have hit a gold mine. What is shameful is the

absence of a sustainable plan to reverse this disgraceful situation.

S. RAJAGOPALAN,
Chennai

In some of the extensive coverage being given to the 2019 water crisis in Chennai (Chennai city pages), I disagree with the opinion expressed (June 14) that rainwater harvesting (RWH) systems alone could have saved the city; we have not had even a drop of rain in the last six months. I say this as a former director of the IMD. Lack of periodic maintenance of RWH systems is essentially about

CORRECTIONS & CLARIFICATIONS:

The second deck headline in the report, "Priyanka's outburst panned, but party men back her" (June 16, 2019, some editions), erroneously referred to by-elections due in 11 Lok Sabha seats in Uttar Pradesh. The text, however, correctly talks about a clutch of by-elections to the Assembly that are due.

"Modi to meet Xi, Putin at SCO" (June 11, 2019) erroneously referred to Sooronbay Jeenbekov as the Uzbekistan President. He is the President of the Kyrgyz Republic.

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